

Docket No.: 2005 P 12928 US  
App. No.: 09/843,289

## **REMARKS**

Claims 25-100 are pending in the Application.

Claims 25, 27, 29, 36, 38, 41-42, 45-47, 49-50, 54-55, 57-58, 61, 68, 70-71, 74-75, 77-78, 80, 81, 84, 91, 96-97 and 100 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers, U.S. Patent No. 6,346,964, ("Rogers") in view of Day, U.S. Patent No. 5,941,951 ("Day"). Applicant respectfully submits that the claimed invention is not taught, suggested, or implied by Rogers or Day, either singly or in combination.

Applicant respectfully submits claims 25, 46, 58, 75 and 81 include elements which have not been disclosed, taught or suggested by Rogers. For example, as discussed in response to the previous Official Action, claims 25, 46, 58, 75 and 81 generally recite receiving from a subscriber unit a request for a listing of available channels, the request including information identifying a subscriber. Rogers fails to teach, disclose or suggest receiving a request which includes information identifying a subscriber.

The Patent Office cites FIG. 7A, step 701 and principles of inherency for support of its assertion that Rogers discloses receiving a request which includes information identifying a subscriber. However, Rogers fails to disclose any information identifying the subscriber is included with a request for a listing of available channels. Rather, Rogers states "a request is transmitted over the data channel through modem/diplexer 241, through modem/diplexer 251, and is received in controller 257." (Rogers, Column 12, Lines 25-30). In Rogers, a user places telephone "calls" to request a list of channels to other users by sending information to the broadband data switch when then attempts to connect to the desired recipient's equipment. If the call is answered, video is established. (Rogers, Column 4, Line 60 - Column 5, Line 11). The call, made by dialing a telephone number or equivalent, is placed without any identification of a subscriber.

Further, contrary to the suggestion in the Official Action, "identifying a subscriber" is not inherent in the request. For example, a system that is available to all or for which everyone is an authorized subscriber need not identify the subscriber.

Applicant respectfully submits that Day similarly fails to teach, suggest, or imply such identifying.

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In addition, Applicant notes that claims 25, 58, and 81 recite "identifying the [or a][IP] multicast group assigned to each identified channel." FIG. 7A, step 702 is cited in the Official Action for teaching this element of the claimed invention. However, step 702 merely provides for sending a "list of available programs," and does not appear to relate to identifying a multicast group, as generally recited in the claims at issue. Similarly, while Day appears to provide for "joining multicast sessions," (Col. 5, lines 63-65), nothing in Day teaches, suggests, or implies "identifying a multicast group assigned to each channel."

As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 33-34, 65-66, 88-89 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rogers, in view of Day and further in view of Alexander, U.S. Patent No. 6,324,163 ("Alexander").

The Patent Office rejected claims 28, 30-31, 37, 48, 51, 60, 62-63, 69, 76, 79, 83, 85-86 and 92 under 35 U.S.C. § 103(a) as being unpatentable over Rogers, Day, and further in view of IEEE-1996, Techniques for Improving the Capacity of Video on Demand by Hari, ("Hari").

The Patent Office rejected claims 26, 32, 35, 39-40, 44, 52-53, 59, 64, 67, 73, 82, 87, 90, 94-95, and 99 under 35 U.S.C. § 103(a) as being unpatentable over Rogers, Day, and further in view of U.S. Patent No. 6,011,782 by DeSimone, ("DeSimone").

The Patent Office rejected claims 43, 56, 72 and 98 under 35 U.S.C. § 103(a) as being unpatentable over Rogers, Day, and further in view of U.S. Patent No. 5,903,559 by Acharya, ("Acharya").

Applicant respectfully traverses each of these rejections under 35 U.S.C. § 103(a). Rogers and Day have been discussed above. Alexander, Hari, DeSimone, and Acharya do not deficiencies in Rogers and Day. Claims 26, 28, 30-35, 37, 39-40, 43-44, 48, 51-53, 56, 59-60, 62-67, 69, 72-73, 76, 79, 82-83, 85-90, 92, 94-95 and 98-99 are thus believed allowable as being dependent upon an allowable base claim as previously described.

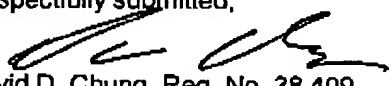
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Applicants respectfully submit that all claims are allowable, and it is respectfully requested that the entire application now be passed to formal allowance.

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